APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,329	02/13/2002	Peter Kenneth Attwood	19111.0072	4553

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Hanify & King, P.C.
1875 K Street
Suite 707
WASHINGTON, DC 20006

EXAMINER
TRUONG, LECHI

ART UNIT	PAPER NUMBER
2194	

MAIL DATE	DELIVERY MODE
11/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 September 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-8* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1, 3-8 are presented for the examination. Claims 2, 9 are cancelled.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible

for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been

timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR

1.114. Applicant's submission filed on 09/09/2008 has been entered.

3.   The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed. The word "improvement" should not

be considered as part of the title (See MPEP § 606).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or
composition of matter, or any new and useful improvement thereof, may obtain a patent
therefor, subject to the conditions and requirements of this title.

4.   Claims 1, 3-4 are directed to the method claims that would not qualify as a statutory

process would be a claim that recited purely mental steps. Thus, to quality as a 101 statutory

process, the claim should be positively reciting the other statutory class (the thing or product) to

which it is tied, for example by identifying the apparatus that accomplishes the method steps.

Appropriate correction is required.

Specification

5.   The specification is objected to because the specification does not define the computer

readable medium which storage medium is or signal medium... Appropriate correction is

required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claims **1, 4-5, 7-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Zimmerman (US 2004/0226031) in view of Brown (US 6732179 B1) and further in view of

Hoover et al (US. Patent 5, 560005).

7.   **As to claim 1**, Zimmerman teaches the invention substantially as claimed including: a

first data handling application (the application program, para [0005], ln 3-7 to para [0005], ln 7-

10), a second data handling application (the dynamic library, para [0005], ln 3-7 to para [0005],

ln 7-10), call routine (a function call, para [0005], ln 7-10), at least one call routine which is executed when the second data handling application is operated (para [0001], ln 8-12), a software routine (call library routine to perform functions, para[0001], ln 1-8), determining the presence of the second data handling application and, if it is present generating a link to a software routine(The static library 30 passes application calls through to a found DLL. The DLL, in contrast, actually implements all of the API calls of the application, para [0021], ln 4-10), If the DLL is missing or determined to be incorrect version (ie., no supporting DLL is found) 56, the application interface return 64…. At this point, the calling application may ask the user if the updated DLL should be downloaded… download the update DLL from the Web server 14… The application interface 40 then transfers calls directed to a method within the object on the DLL interface 42, which passes the calls on to the updated DLL 32(now DLL 32, once stored on the user's machine, para [0025], ln 1-17/ right col 4, ln 41-49/ para [0045], ln 40-48), which will be executed by the call routine in the second data handling application (para [0001], ln 1-12), causes a software routine or the first self-contained data handling application to be executed(para[0002],ln 5-9/para[0007], ln 6-10).

8.   Zimmerman does not explicitly teach writing source code that defines the call routine of the second sefl-contained data handling application. However, Brown teaches writing source code that defines the call routine of the second sefl-contained data handling application(The ACL is preferably a bit-map that specifies which STB API functions may be called, col 3, ln 5-8/ The shell uses the bit-map to determine which API functions can be invoked by the walled garden site, col 3, ln 13-16/ Other APIs can easily be added to the shell 326 to provide functionality desired by the ISP, server, or users, col 6, ln 63-67/ The shell 326 codifies the

mapping from bit positions in the ACL to API functions and enforces the access control, col 13,

ln 60-65).

9.   It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to modify the teaching of Zimmerman with Brown to incorporate the feature of

writing source code that defines the call routine of the second sefl-contained data handling

application because this allows an application server to access only those features which are

necessary to provide the service sought by the user.

10.   Zimmerman and Brown do not teach the first seft-contained data handling application

and the second previously installed, self contained data handling application are operable to

execute without the each other. However, Hoover teaches first seft-contained data handling

application and the second previously installed, self contained data handling application are

operable to execute without the each other(a customer's computer system or database, identified

as CUST DB1 26a, is functionally and logically connected to a remote database (RDB 1) 28a,

which may be (but is not necessarily) implemented as a separate computing entity, col 10, ln 14-

18/ allowing computer communications between remote distributed heterogeneous databases

such as those maintained by health insurance companies, employers, hospitals, physicians, and

other health care industry participants. The present invention fills the need for the rapid and

efficient exchange of information between the various entities in the industry to allow for

increased efficiencies in patient admission, patient handling, payment transaction handling,

insurance claim processing, and the like, col 11, ln 1-10/ Communications between the server

computer 40d (comprising the RDB 28a) and the customer databases that are maintained by one

or more of the CPU's 40a-40c (comprising the customer database 26a) are communicated on the

LAN 47. Accordingly, the API between the customer's database equipment 26 and the RDB's 28

are passed as data communication packets on the LAN 47, col 12, ln 52-60/ the remote database

functions in the RDB computers 28 can be carried out as a separate process on a user computer

that normally executes the customer database functions 26. Similarly, in the preferred

embodiment, access to the system can be made by a stand-alone computer and modem, Col 13,

ln 1-5).

11.   It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to modify the teaching of Zimmerman, Brown with Hoover to incorporate the feature

of first seft-contained data handling application and the second previously installed, self

contained data handling application are operable to execute without the each other because this

facilitates location and retrieval of data items from one or more of the remote, heterogeneous

user databases.

 12.   **As to claim 4,** Zimmerman teaches the call routine is only implemented by the second

data handling application under certain predetermined conditions (para [0045], ln 40-50, if the

library is present, passing the function call to the library for execution).

13.   **As to claims 5, 7- 8,** they are apparatus claims of claims 1, 4; therefore, they are rejected

for the same reasons as claims 1, 4 above.

14.   Claims **3, 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmerman

(US 2004/0226031) in view of Brown (US 6732179 B1) view of Hoover et al (US. Patent

5,560005), as applied to claim 1 above, and further in view of Burns et al (US. Patent 6,088,694).

15.   **As to claim 3**, Zimmerman , Brown and Hoover do not explicit teach the software

routine controls a data modification operation by the second data handling application in

dependence upon data stored in the first data handling application. However, Burns teaches the

software routine controls a data modification operation by the second data handling application

in dependence upon data stored in the first data handling application (an application user of the

computing system 10 issues an SQL Insert, SQL delete, or SQL update call in the database, the

DBMS detects that this operation occur on a column of type datalink, col 9, ln 1-5).

16.   It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to modify the teaching of Zimmerman, Brown, Hoover with Burns to incorporate the

feature of the software routine controls a data modification operation by the second data handling

application in dependence upon data stored in the first data handling application because this

allows an efficiency managing access and control over data that is linked to a database system.

17.   **As to claim 6**, it is an apparatus claim of claim 3; therefore, it is rejected for the same

reason as claim 3 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The

examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thomson, William can be reached on (571) 272 3718. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR of Public PAIP. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIP

system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

/LeChi Truong/

Examiner, Art Unit 2194

LeChi Truong

November 10, 2008